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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/748,258	12/27/2000	Ichiro Okajima	201220US2	4747
22850 7590 03/21/2007 OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER MILLS, DONALD L	
			ART UNIT	PAPER NUMBER
			2616	
SHORTENED STATUTORY PERIOD OF RESPONSE		NOTIFICATION DATE	DELIVERY MODE	
3 MONTHS		03/21/2007	ELECTRONIC	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 03/21/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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# Office Action Summary

Application No.

09/748,258

Applicant(s)

OKAJIMA ET AL.

Examiner

Donald L. Mills

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-12 is/are allowed.
- 6) ☒ Claim(s) 1-8 and 13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Takahisa et al. (US 5,946,605), hereinafter referred to as Takahisa.

Regarding claims 1 and 13, Takahisa discloses a method and apparatus for communicating information using a data tuner, which comprises:

*A destination information unit configured to provide destination information to a packet inclusive of a description of a state of a mobile terminal that is a state of movement or a state of environment in which the mobile terminal is placed* (Referring to Figures 8a-c, the control center 690 (destination information unit) broadcasts the state of a disabled vehicle via the global positioning receiver 818 (description of a state of a mobile terminal that is in a state of environment) to receivers 822 in a radius of reception that corresponds to a traffic backup. See column 12, lines 8-22 and 56-63;)

*A transmission unit configured to transmit the packet to one or more mobile terminals having a state that matches the description of a state of a mobile terminal, said destination information indicating a destination without identifying an address of the destination* (Referring to Figures 8a-c, the control center 690 broadcasts the disabled vehicle condition to receivers 822

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in radius of the disabled vehicle, which indicates a destination without identifying the address of the destination. See column 12, lines 56-63.)

Regarding claim 2, Takahisa discloses *wherein said destination information specifies conditions of movement of a mobile terminal* (Referring to Figures 8a-c, the control center 690 broadcasts the state of a disabled vehicle via the global positioning receiver 818 (specifies conditions of movement of a mobile terminal) to receivers 822 in a radius of reception that corresponds to a traffic backup. See column 12, lines 8-22 and 56-63.)

Regarding claim 3, Takahisa discloses *wherein said destination information specifies speed of a mobile terminal* (Referring to Figures 8a-c, the control center 690 broadcasts the state of a disabled vehicle via the global positioning receiver 818 (specifies speed of a mobile terminal, in this example a speed of zero) to receivers 822 in a radius of reception that corresponds to a traffic backup. See column 12, lines 8-22 and 56-63.)

Regarding claim 4, Takahisa discloses *wherein said speed is specified as a single speed* (Referring to Figures 8a-c, the control center 690 broadcasts the state of a disabled vehicle via the global positioning receiver 818 (specifies speed of a mobile terminal, in this example a single speed of zero) to receivers 822 in a radius of reception that corresponds to a traffic backup. See column 12, lines 8-22 and 56-63.)

Regarding claim 5, Takahisa discloses *wherein said speed is specified as a plurality of speeds* (Referring to Figures 8a-c, a request for information regarding receivers 822 with speed below twenty miles per hour is broadcast by the control center 690 to the same radius area. See column 12, lines 66-67 to column 13, lines 1-4.)

Regarding claim 6, Takahisa discloses *wherein said speed is specified as a range of speed* (Referring to Figures 8a-c, a request for information regarding receivers 822 with speed below twenty miles per hour (range from 0 to 24 mph) is broadcast by the control center 690 to the same radius area. See column 12, lines 66-67 to column 13, lines 1-4.)

3. Claims 7 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated Perkins ("Mobile IP").

Regarding claim 7, Perkins discloses a system and method for mobile IP networks, which comprises:

*Making any given one of the communication routers keep track of information about conditions of mobile terminals that can communicate with and send said information to said any given one of the communication routers* (The information being whether the mobile terminal has migrated to an area served by a foreign node; page 86, left-hand column; the mobile receives packets with a care-of address in the header when the mobile moves to an area served by a foreign agent the home agent keeps track of the mobile's care-of address;)

*Making each of the routers transfer a packet to other routers after checking destination information when the packet, traveling through the packet communication network, includes information inclusive of a description of a state of a mobile terminal that is a state of movement or a state of environment in which the mobile terminal is placed, for transmission of the packet to one or more mobile terminals having a state that matches the description of a state of a mobile terminal, said information indicating a destination without identifying an address of the destination* (The care-of address, by definition is a description of a state of a mobile as it relates

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to roaming, without identifying the home address of the destination since the care-of-address is utilized instead, in the header when the mobile moves to an area, state of movement, served by a foreign agent for transmission to the mobile that is roaming; page 86, left-hand column;)

*Making the communication routers transfer the packet through radio to mobile stations that can communicate with the communication routers if the information identifying a packet destination stored in the header portion of the packet matches the information about the conditions of mobile terminals kept track of by the communication routers* (The packets are tunneled from source to destination; page 86, left-hand column.)

Regarding claim 8, Perkins discloses *wherein the information identifying a packet destination in the header portion of the packet is information about movement of a mobile terminal* (The care-of address, destination information, in the header when the mobile moves to an area, state of a mobile terminal, served by a foreign agent; page 86, left-hand column.)

#### ***Allowable Subject Matter***

4. Claims 9-12 allowed.

#### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1-8 and 13 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald L. Mills whose telephone number is 571-272-3094. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Donald L Mills

*DLM*

March 13, 2007

*Seema S. Rao*  
SEEMA S. RAO 3/15/07  
SUPERVISORY PATENT EXAMINER  
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